

Office of the State Public Defender
**Collective Bargaining
Fact Sheet**

The American Federation of State, County, and Municipal Employees, (AFSCME) Council 9 represents all public defenders, research attorneys, and support staff (including administrative assistants, legal secretaries, paralegals, legal assistants, secretaries, and criminal defense investigators). Excluded employees are confidential employees, supervisors, managers, attorneys employed as independent contractors, temporary or seasonal employees, short term workers, student interns and part-time employees who work less than twenty hours per week.

Current contracts will expire June 30, 2009.

The contract term is established for a two year period. Non-economic negotiations for the 2010/2011 contracts will begin in the spring of 2009.

Number of Employees Represented by AFSCME

Attorneys	78
Support Staff	38
Criminal Investigators	15
Total	131

The State of Montana currently has 60 different collective bargaining units for all state agencies, representing 7,167 or 61% of the 11,691 executive branch employees.

Number of Employees not represented by AFSCME

Central Office	19
Appellate Office	9
Managers/Supervisors	36
Total	64

Authority of the State Office of Labor Relations

The State Office of Labor Relations is authorized as the exclusive bargaining representative for the executive branch (non-university system) by law and by executive order. Section 39-31-301, MCA, reads: "Representative of public employer. The chief executive officer of the state... or the designated authorized representative shall represent the public employer in collective bargaining with an exclusive representative." The Governor, through Executive Order 1-93, has designated the "chief of the Labor Relations Bureau, State Personnel Division, Department of Administration, as Chief Negotiator to represent the State of Montana in collective bargaining with representatives of certified collective bargaining units." Further, 39-31-306 (3), MCA, reads: "An agreement between the public employer and a labor organization must be valid and enforced under its terms when entered into in accordance with the provisions of this chapter and signed by the chief executive officer of the state... or by a representative..." Thus, any and all agreements over mandatory subjects of bargaining between representatives of certified collective bargaining units and the state of Montana must be reduced to writing and must be signed by the Chief of the State Office of Labor Relations (formerly the Labor Relations Bureau).

Economic Negotiations

The State Office of Labor Relations is currently meeting with AFSCME, MPEA, and MEA-MFT to negotiate and prepare the FY 2010-11 pay bill and help secure legislative support and approval.

Non-Economic/Economic Negotiations

In the spring of 2009 OPD and the State Office of Labor Relations will meet with AFSCME to review and begin the negotiations for the 2010/2011 biennium. During this process the contract is updated to reflect the new contract years, contract language is modified to provide clarification, and other issues brought

forth by both management and labor are addressed. Depending upon the funding that is received from the 2009 Legislature, pay and pay progression will be reviewed to determine if there will be any salary adjustment proposals for staff to move towards the market. These salary adjustments would be in addition to the pay adjustments approved by the Legislature for all state employees, and again are dependent upon funding.

Labor Management Committee (LMC)

The LMC's purpose is to provide a forum to discuss and resolve issues between labor and management through a consensus approach. The LMC is comprised of up to five representatives and one alternate from management, including the chief public defender, and up to five members and one alternate appointed by the union. Three representatives from both sides constitute a quorum.

Issues addressed by the LMC include case workload, and review and comment on Human Resource policies and procedures developed by OPD including Flexible Work Hours, Confidentiality and Release of Information, Workplace Safety, and Case Management System issues. All members are provided training by the State Office of Labor Relations. Commission members are welcome as guests or may be requested to attend these sessions.

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The Collective Bargaining Agreement can be found in its entirety at
<http://laborrelations.mt.gov/2009/091.doc>